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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/639,763	08/15/2000	Atsushi Horiike	1046.1218 (JDH)	4059

21171 7590 12/12/2003

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EXAMINER

WALLACE, SCOTT A

ART UNIT	PAPER NUMBER
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2671

DATE MAILED: 12/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/639,763

Applicant(s)

HORIIKE, ATSUSHI

Examiner

Scott Wallace

Art Unit

2671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-12 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Arguments

1. Applicant's arguments with respect to claim 1-12 have been considered but are moot in view of the new ground(s) of rejection. Different chapters of USING AUTOCAD are used to teach the argued limitation.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6, 8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by USING AUTOCAD release 10 with 3-D.

3. As per claims 1, 2, 11-12, USING AUTOCAD discloses a solid editing method in a three-dimensional CAD system (chapter 16), having a display screen and an operation unit for operating basic configurations displayed on said display screen, for completing a final three-dimensional configuration by an operation of combining a plurality of basic configurations, said method comprising: displaying, on said display screen, in-the-making configurations from a first basic configuration as a start configuration down to the final three-dimensional configuration (chapter 12, pg 12-21, fig 12-20); selecting one of the in-the-making configurations displayed (chapter 6 pages 6-6 to 6-8); setting as an edit target the basic configuration finally combined with respect to the selected in-the-making configuration (chapter 6 pages 6-6 to 6-8).

4. As per claim 3, USING AUTOCAD discloses a readable by computer recording medium recorded with a program for indicating a computer to edit a three dimensional configuration formed by sequentially combining basic configurations (chapter 16); displaying on a display screen, in the making configurations from a first basic configuration as a start configuration down to the final three dimensional configuration

(chapter 12, fig 12-20); selecting one of the in the making configurations displayed (chapter 6, pgs 6-6 – 6-8); and setting as an edit target the basic configuration finally combined with respect to the selected in the making configuration chapter 6, pgs 6-6 – 6-8), wherein said program further comprises generating a sum of the basic configurations (that is just adding to objects together, well known in the art), a difference between the basic configurations (this is just taking a piece out of the object), and a product of the basic configurations (this is just the blending of two objects).

5. As per claim 4, USING AUTOCAD discloses a readable by computer recording medium recorded with a program for indicating a computer to edit a three dimensional configuration formed by sequentially combining basic configurations (chapter 16); displaying on a display screen, in the making configurations from a first basic configuration as a start configuration down to the final three dimensional configuration (chapter 12, fig 12-20); selecting one of the in the making configurations displayed (chapter 6, pgs 6-6 – 6-8); and setting as an edit target the basic configuration finally combined with respect to the selected in the making configuration chapter 6, pgs 6-6 – 6-8), wherein said selecting includes selecting a first in the making configuration and a second in the making configuration, and the program further comprises changing a combination sequence of the basic configuration set as an edit target with the selection of the first in the making configuration, to just the posterior (or anterior) to the second in the making configuration (it is well known if you can combine objects one way the reverse ways is also possible).

6. As per claim 6, USING AUTOCAD discloses wherein said program further comprises a step of deleting the edit target basic configuration from the combination of the basic configuration forming the final three-dimensional configuration (Chapter 6 pages 6-6 to 6-8).

7. As per claim 8, USING AUTOCAD discloses wherein said selecting step involves a step of selecting the first in-the-making configuration and the second in-the-making configuration, and the program further comprises a step of reproducing the basic configuration set as the edit target due to the first in-the-making configuration, to the second in-the-making configuration (chapter 6 pages 6-6 to 6-8).

8. As per claim 9, USING AUTOCAD discloses wherein said program further comprises a step of changing the edit target configuration (chapter 6 pages 6-6 to 6-8).

9. As per claim 10, USING AUTOCAD discloses wherein the basic configuration is attached with attributes, and said program further comprises a step of editing the attributes of the edit target (chapters 14-24 to 14-25).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim ^{7/5} is rejected under 35 U.S.C. 103(a) as being unpatentable over ~~the~~ USING AUTOCAD.
12. As per claim 7, USING AUTOCAD discloses a readable by computer recording medium recorded with a program for indicating a computer to edit a three dimensional configuration formed by sequentially combining basic configurations (chapter 16); displaying on a display screen, in the making configurations from a first basic configuration as a start configuration down to the final three dimensional configuration (chapter 12, fig 12-20); selecting one of the in the making configurations displayed (chapter 6, pgs 6-6 – 6-8); and setting as an edit target the basic configuration finally combined with respect to the selected in the making configuration (chapter 6, pgs 6-6 – 6-8). However, USING AUTOCAD does not disclose wherein said program further comprises setting the edit target basic configuration in a non-display state (or a display state from the non-display state) with respect to the combination of the basic configurations for forming the final three-dimensional configuration. This would have been obvious to one of ordinary skill in the art at the time the invention was made because the user would only want to work with the final combination, therefore there would be no need to display the other configurations.

Allowable Subject Matter

13. Claims 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Scott Wallace** whose telephone number is **703-605-5163**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mark Zimmerman**, can be reached at 703-305-9798.

Any response to this action should be mailed to:


Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.


MARK ZIMMERMAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600